HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.5210 of 2006

Date of decision : 16.10.2006.

Ram Kumar **.....Petitioner**

versus

Vishal and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Rajesh Gupta, Advocate for the petitioner.

* * *

ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 28.8.2006, passed by the learned Executing Court, whereby the Objections filed by the petitioner in respect of execution of the decree dated 21.4.1999, affirmed by the First Appellate Court on 16.10.2002, were dismissed.

Plaintiff's suit for possession of land measuring 8 marlas out of land measuring 2 kanals 14 marlas, was decreed by the learned trial Court while holding that the defendants have encroached upon 2 marlas of land as per the report of the Local Commissioner.

Learned counsel for the petitioner has vehemently argued that in execution of the decree, only symbolic possession can be taken by the decree holder as the actual possession can be delivered after the partition of the joint property. However, I do not find any substance in the argument raised by the learned counsel for the petitioner. The suit for possession was decreed in respect of specific land. Said decree has been affirmed in appeal

as well. Since the decree is of specific portion demarcated on the report of the Local Commissioner, I do not find any substance in the arguments raised by the learned counsel for the petitioner.

Consequently, I do find any illegality and irregularity in the order passed by the learned Executing Court, which may warrant interference by this Court in its revisional jurisdiction.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

October 16, 2006.

**mohinder*